

BEFORE THE PUBLIC UTILITIES COMMISSION

OF THE STATE OF HAWAII

In the Matter of the Application of)

PUBLIC UTILITIES COMMISSION)

Instituting a Proceeding to Investigate the)
Implementation of Feed-in Tariffs.)
_____)

DOCKET NO. 2008-0273

PUBLIC UTILITIES
COMMISSION

2009 JAN 28 P 2:51

FILED

**TAWHIRI POWER LLC'S
INFORMATION REQUESTS TO HAWAIIAN ELECTRIC COMPANY AND
THE CONSUMER ADVOCATE REGARDING THEIR
JOINT PROPOSAL ON FEED-IN TARIFFS**

AND

CERTIFICATE OF SERVICE

HARLAN Y. KIMURA
ATTORNEY AT LAW, A LAW CORPORATION
Central Pacific Plaza
220 South King Street, Suite 1660
Honolulu, Hawaii 96813
Telephone No. (808) 521-4134

Attorney for Tawhiri Power LLC

BEFORE THE PUBLIC UTILITIES COMMISSION

OF THE STATE OF HAWAII

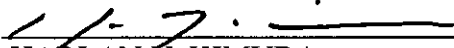
In the Matter of the Application of)	
)	
PUBLIC UTILITIES COMMISSION)	DOCKET NO. 2008-0273
)	
Instituting a Proceeding to Investigate the)	
Implementation of Feed-in Tariffs.)	
)	
_____)	

**TAWHIRI POWER LLC'S
INFORMATION REQUESTS TO HAWAIIAN ELECTRIC COMPANY AND
THE CONSUMER ADVOCATE REGARDING THEIR
JOINT PROPOSAL ON FEED-IN TARIFFS**

Pursuant to the Commission's Order Approving the HECO Companies' Proposed Procedural Order, as Modified, filed on January 20, 2009, Tawhiri Power LLC hereby submits the following Information Requests to the HECO Companies and the Division of Consumer Advocacy.

Respectfully submitted.

DATED: Honolulu, Hawaii, January 28, 2009.



HARLAN Y. KIMURA

Attorney for Tawhiri Power LLC

DOCKET NO. 2008-0273

**TAWHIRI POWER LLC'S
INFORMATION REQUESTS TO HAWAIIAN ELECTRIC COMPANY AND
THE CONSUMER ADVOCATE REGARDING THEIR
JOINT PROPOSAL ON FEED-IN TARIFFS**

INSTRUCTIONS:

In order to expedite and facilitate Tawhiri Power LLC's ("TPL") review and analysis in the above matter, the following is requested:

1. For each response, the HECO Companies and the Consumer Advocate ("HECO/CA") should identify the person(s) responsible for preparing the response(es), as well as the witness(es) responsible for sponsoring the response(es) should there be an evidentiary hearing in this Docket;
2. Should HECO/CA claim that any information is not discoverable for any reason:
 - a. State all claimed privilege(s) and objection(s) to such disclosure;
 - b. State all facts and reasons supporting each claimed privilege and objection;
 - c. Specify the conditions HECO/CA will permit disclosure to TPL (e.g. protective agreement, review at business offices, etc.); and
 - d. Should HECO/CA claim a written document or electronic file is not discoverable, in addition to complying with subparagraphs 2.a-c above, identify each document or electronic file, or portions thereof, HECO/CA claims are privileged or will not be disclosed, including the title or subject matter, the date, the author(s) and the addressee(s).

TPL-IR-1 HECO/CA has acknowledged curtailment of renewable generation is presently conducted by HELCO.

- a. Please explain in detail what assurances, if any, HECO/CA will provide to Parties that implementation of the FiT program will not continue this trend of curtailment, or increase curtailment of renewable generation, on the HELCO system.
- b. If curtailment will not be discontinued, would the HECO Companies compensate the renewable generator(s) being affected at avoided costs calculated in an accurate and transparent manner? If not, why not?

TPL-IR-2 Should HELCO continue to curtail generation, how will it be determined which generator(s) would be curtailed?

- a. Will existing renewable generation on the HELCO system be given priority over FiT generation? If not, why not?

TPL-IR-3 Assuming the HECO/CA FiT initiative is intended to enable Hawaii to achieve its renewable energy development goals by providing predictability and certainty with respect to the prices to be paid by the utility for renewable energy:

- a. Will HECO/CA support improved due process and access to the P-Month Model in Docket 7310 to afford renewable energy generators the opportunity to verify and forecast avoided costs as part of its due diligence, and for other operational planning purposes?
- b. Does HECO/CA agree meeting the due process and transparency requirements in Docket 7310 are necessary for ensuring the avoided cost mechanism will continue to encourage unsubsidized renewable energy development and production in Hawaii as part of a balanced portfolio of renewable resources to meet public policy objectives?
- c. If the answer to "b" above is yes, will HECO/HELCO increase its efforts to respond to TPL's repeated requests for information, including access to HECO/HELCO documents specifying and/or describing the modifications to the P-Month Model HECO ordered from the vendor?
- d. If the HECO Companies are capable of absorbing additional generating capacity and energy from new renewable resources at subsidized rates, please provide the justification for curtailing production of clean renewable energy at unsubsidized avoided costs?

- TPL-IR-4 Are the HECO Companies and/or its affiliates proposing to engage in the production and/or sale of energy under FiTs, either individually, or as majority partner(s) or minority partner(s) in a third-party entity? If so, please explain in detail what assurances, if any, HECO/CA will provide the Parties to eliminate any conflict of interest and/or appearance of conflict of interest.
- TPL-IR-5 HECO/CA acknowledges the desire to initiate a FiT as soon as possible must be balanced against the need to establish a FiT that appropriately considers pricing, technical integration, system reliability and safety, rate impacts, and other factors.
- a. To guarantee that proper balance, has HECO/CA considered implementing a pilot program to assess the potential impact of the FiT? If not, why not?
 - b. If a pilot program is not viable, has HECO/CA considered implementing an all-technologies cap for each HECO Company equal to each utility's projected increase in electricity demand over the ensuing 12 months? If not, why not?
- TPL-IR-6 Please specify the voltage levels at which FiT generation will be allowed to interconnect with each HECO company's system. Please explain the rationale for your answer?
- TPL-IR-7 Please provide examples of the interplay between FiT rates, and Federal and State incentives for renewable energy generation, to verify the former will not undermine the latter?

CERTIFICATE OF SERVICE

The foregoing Information Requests to the Hawaiian Electric Company and the Consumer Advocate regarding their Joint Proposal on Feed-in Tariffs was served on the date of filing by hand delivery or electronically transmitted to the following Parties:.

CATHERINE P. AWAKUNI
EXECUTIVE DIRECTOR
DEPT OF COMMERCE & CONSUMER AFFAIRS
DIVISION OF CONSUMER ADVOCACY
P.O. Box 541
Honolulu, Hawaii 96809

2 Copies
Via Hand Delivery

DEAN MATSUURA
MANAGER
REGULATORY AFFAIRS
HAWAIIAN ELECTRIC COMPANY, INC.
P.O. Box 2750
Honolulu, HI 96840-0001

Electronically transmitted

JAY IGNACIO
PRESIDENT
HAWAII ELECTRIC LIGHT COMPANY, INC.
P. O. Box 1027
Hilo, HI 96721-1027

Electronically transmitted

EDWARD L. REINHARDT
PRESIDENT
MAUI ELECTRIC COMPANY, LTD.
P. O. Box 398
Kahului, HI 96732

Electronically transmitted

THOMAS W. WILLIAMS, JR., ESQ.
PETER Y. KIKUTA, ESQ.
DAMON L. SCHMIDT, ESQ.
GOODSILL, ANDERSON QUINN & STIFEL
Alii Place, Suite 1800
1099 Alakea Street
Honolulu, Hawaii 96813

Electronically transmitted

ROD S. AOKI, ESQ.
ALCANTAR & KAHL LLP

Electronically transmitted

120 Montgomery Street
Suite 2200
San Francisco, CA 94104

MARK J. BENNETT, ESQ.
DEBORAH DAY EMERSON, ESQ.
GREGG J. KINKLEY, ESQ.
DEPARTMENT OF THE ATTORNEY GENERAL
425 Queen Street
Honolulu, Hawaii 96813
Counsel for DBEDT

Electronically transmitted

CARRIE K.S. OKINAGA, ESQ.
GORDON D. NELSON, ESQ.
DEPARTMENT OF THE CORPORATION COUNSEL
CITY AND COUNTY OF HONOLULU
530 South King Street, Room 110
Honolulu, Hawaii 96813

Electronically transmitted

LINCOLN S.T. ASHIDA, ESQ.
WILLIAM V. BRILHANTE JR., ESQ.
MICHAEL J. UDOVIC, ESQ.
DEPARTMENT OF THE CORPORATION COUNSEL
COUNTY OF HAWAII
101 Aupuni Street, Suite 325
Hilo, Hawaii 96720

Electronically transmitted

MR. HENRY Q CURTIS
MS. KAT BRADY
LIFE OF THE LAND
76 North King Street, Suite 203
Honolulu, Hawaii 96817

Electronically transmitted

MR. CARL FREEDMAN
HAIKU DESIGN & ANALYSIS
4234 Hana Highway
Haiku, Hawaii 96708

Electronically transmitted

MR. WARREN S. BOLLMEIER II
PRESIDENT
HAWAII RENEWABLE ENERGY ALLIANCE
46-040 Konane Place, #3816
Kaneohe, Hawaii 96744

Electronically transmitted

DOUGLAS A. CODIGA, ESQ.
SCHLACK ITO LOCKWOOD PIPER & ELKIND

Electronically transmitted

TOPA FINANCIAL CENTER
745 Fort Street, Suite 1500
Honolulu, Hawaii 96813
Counsel for BLUE PLANET FOUNDATION

MR. MARK DUDA
PRESIDENT
HAWAII SOLAR ENERGY ASSOCIATION
P.O. Box 37070
Honolulu, Hawaii 96837

Electronically transmitted

RILEY SAITO
THE SOLAR ALLIANCE
73-1294 Awakea Street
Kailua-Kona, Hawaii 96740

Electronically transmitted

JOEL K. MATSUNAGA
HAWAII BIOENERGY, LLC
737 Bishop Street, Suite 1860
Pacific Guardian Center, Mauka Tower
Honolulu, Hawaii 96813

Electronically transmitted

KENT D. MORIHARA, ESQ.
KRIS N. NAKAGAWA, ESQ.
SANDRA L. WILHIDE, ESQ.
MORIHARA LAU & FONG LLP
841 Bishop Street, Suite 400
Honolulu, Hawaii 96813
Counsel for HAWAII BIOENERGY, LLC
Counsel for MAUI LAND & PINEAPPLE COMPANY, INC.

Electronically transmitted

MR. THEODORE E. ROBERTS
SEMPRA GENERATION
101 Ash Street, HQ 12
San Diego, California 92101

Electronically transmitted

MR. CLIFFORD SMITH
MAUI LAND & PINEAPPLE COMPANY, INC.
P.O. Box 187
Kahului, Hawaii 96733

Electronically transmitted

MR. ERIK KVAM
CHIEF EXECUTIVE OFFICER
ZERO EMISSIONS LEASING LLC
2800 Woodlawn Drive, Suite 131
Honolulu, Hawaii 96822

Electronically transmitted

JOHN N. REI
SOPOGY INC.
2660 Waiwai Loop
Honolulu, Hawaii 96819

Electronically transmitted

GERALD A. SUMIDA, ESQ.
TIM LUI-KWAN, ESQ.
NATHAN C. NELSON, ESQ.
CARLSMITH BALL LLP
ASB Tower, Suite 2200
1001 Bishop Street
Honolulu, Hawaii 96813
Counsel for HAWAII HOLDINGS, LLC,
dba FIRST WIND HAWAII

Electronically transmitted

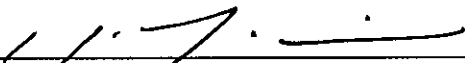
MR. CHRIS MENTZEL
CHIEF EXECUTIVE OFFICER
CLEAN ENERGY MAUI LLC
619 Kupulau Drive
Kihei, Hawaii 96753

Electronically transmitted

SANDRA-ANN Y.H. WONG, ESQ.
ATTORNEY AT LAW, A LAW CORPORATION
1050 Bishop Street, #514
Honolulu, HI 96813
Counsel for ALEXANDER & BALDWIN, INC.,
Through its division, HAWAIIAN COMMERCIAL & SUGAR COMPANY

Electronically transmitted

DATED: Honolulu, Hawaii, January 28, 2009.



HARLAN Y. KIMURA

Attorney for Movant
Tawhiri Power LLC